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ERIC HILDING

P.O. Box 1700 * Morgan Hill, CA 95038-1700

DEC 3 1 19 PM '92

AUDIO SERVICES
DIVISION

FM EXAMINERS

December 2, 1992

*** VIA EXPRESS MAIL ***

RECEIVED

DEC 3 1992

FCC - MAIL ROOM

Ms. Donna R. Searcy, Secretary
FEDERAL COMMUNICATIONS COMMISSION
1919 "M" Street, N.W.
Washington, D.C. 20554

Re: Amendment To Application
For New FM (Windsor, CA)
FCC File # BPH-911115MR

Dear Ms. Searcy:

Pursuant to the Commission's rules, attached please find an original plus two (2) copies of the following amendment(s) for the above-referenced application:

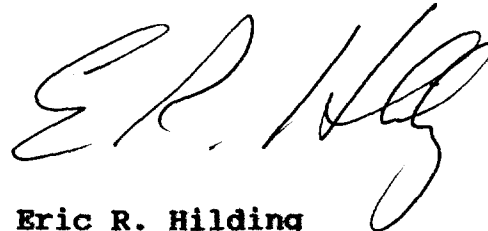
1. Exhibit A-1 thereto (substitute for that on file)
2. Exhibit A-3 thereto (substitute for that on file)

Not unlike many communities, due to the City of Morgan Hill's budget crisis situation, most of the Commission's have been disbanded. A copy of Ordinance No. 1112, N.S., effective November 4, 1992, is attached in reference to the change which has necessitated the above amended Exhibits.

Should any questions arise in this matter, do not hesitate to contact me immediately at (408)842-2222.

Thank you in advance for your assistance.

Cordially,



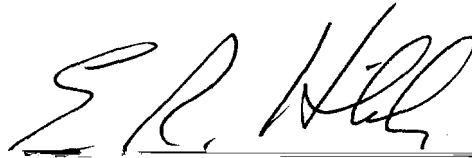
Eric R. Hilding

w/Certificate of Service
and attachments as noted

CERTIFICATE OF SERVICE

I, Eric R. Hilding, under penalty of perjury, hereby declare a copy of the foregoing "Amendment to Application" has been sent via First Class Mail, U.S. postage prepaid, today, December 2, 1992, to the following:

Peter A. Casciato, Esquire
A Professional Corporation
1500 Sansome St. #201
San Francisco, CA 94111
- Counsel for Judy Yep Hughes

A handwritten signature in cursive script, appearing to read "E. R. Hilding", is written over a horizontal line. Below this line are several more horizontal lines, some of which are double-lined, providing space for additional text or a return address.

ORDINANCE NO. 1112, N.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL RESCINDING PROVISIONS OF THE MORGAN HILL MUNICIPAL CODE RELATING TO THE CITY'S ECONOMIC DEVELOPMENT COMMISSION, PARKS AND RECREATION COMMISSION, LIBRARY COMMISSION, CABLE TELEVISION COMMISSION AND SENIOR CITIZENS ADVISORY COMMISSION.

The City Council of the City of Morgan Hill does hereby ordain as follows:

Section 1. Amendment of Code.

Title II of the Morgan Hill Municipal Code is hereby amended by rescinding the following chapters and provisions of the Morgan Hill Municipal Code:

Chapter 2.24 consisting of Sections 2.24.010 through 2.24.050;

Chapter 232 consisting of Sections 232.010 through 232.040;

Chapter 2.52 consisting of Sections 2.52.010 through 2.52.030;

Chapter 2.60 consisting of Sections 2.60.010 through 2.60.050;

Chapter 2.72 consisting of Sections 2.72.010 through 2.72.050;

The foregoing Ordinance was introduced by the City Council of the City of Morgan Hill at a regular meeting held on the 4th day of November, 1992 and was adopted at a regular meeting of the City Council on the 18th day of November 1992 by the following

BROADCAST INTERESTS STATEMENT

Eric R. Hilding was a party to the following:

Application file No. BPH-831216BO, MM Docket No. 86-227
Channel 240A - Freedom, CA - Application dismissed

Application file No. BPH-840611IO
Channel 292A - Santa Margarita, CA - Application dismissed
pursuant to settlement agreement between applicants

Application file No. BPH-841231MJ, MM Docket No. 86-462
Channel 292A - Green Acres, CA - Application dismissed
pursuant to settlement agreement between applicants

Application file No. BPH-850531MA, MM Docket No. 86-465
Channel 260B - Mount Bullion, CA - Application dismissed

INTEGRATION STATEMENT

Eric R. Hilding is an individual applicant with 100% ownership and management control. He propose to work 40 (or more) hours per week at the new FM station in the full-time capacity of General Manager. Mr. Hilding's duties will include, but are not limited to, the following:

1. Overall management of station operations and personnel to include any part-time employees;
2. Short, medium and long-range planning as well as the managing of the financial affairs of the station;
3. Interface with local community organizations in Windsor and the service area;
4. Responsibility for programming direction to include the supervision of music aired on the station;
5. Supervision of station construction activities as well as equipment selection and engineering;

Eric R. Hilding is a United States of America citizen and believes that the Commission's questions on FCC Form 301 evoking "local residence" for either community of license and/or service area preferential treatment in the selection of a best qualified applicant are a violation of his civil rights to equal opportunity as intended by the U.S. Constitution, regardless of current U.S. residence before grant of an FCC permit. He does intend to move to Windsor prior to program test authority for the new FM, which may be construed as future residence credit.

As original Channel Petitioner for a new FM allotment at Windsor, California, Eric R. Hilding claims a "Pioneer (or) Channel Petitioner Preference" enhancement for his efforts, time and expense which has resulted in a public service benefit. Hilding may claim "double" such credit as may be applicable.

Eric R. Hilding claims additional Public Service Benefit enhancement credit as the initiator of approximately 15 new FM services allotments within the state of California, many of which resulted in a "first local service" to the public.

Due to certain topographical considerations in the new Windsor FM service area, Eric R. Hilding claims a "Technical Merit" enhancement for the proposed use of a single-bay FM antenna in order to reduce multi-path interference and better serve the public interest. Additional enhancement credit is claimed for the use of compact disc quality music service, as well as any Satellite and/or digital audio delivery vehicles since these have evolved into "best possible service" attribute requirements of any broadcast station in today's "hi-tech" consumer marketplace. Eric R. Hilding claims additional credit for any new technology which may become available and utilized.

Auxiliary Power enhancement credit is claimed for Hilding's proposed use of back-up electrical power generators at both the transmitter and studio locations, in order to insure continuity of programming to the public within Windsor, California, and the entire service area.

Eric R. Hilding claims an enhancement for U.S. Military service in the defense of the United States of America. He also claims enhancement for substantial community and public service (civic) participation in various communities, and that it is a violation of his civil rights and equal protection for the Commission to discriminate between civic involvement in any capacity, whether within a "community of license", "service area" or other locale. "Equal footing" civic participation credit enhancement is claimed regardless of area of service. Since the implied "community service" preference is allegedly

has done this since January 21, 1991. The program format is Hilding's development, with it's focus being that of airing "positive" oriented program content, another preference sought.

Eric R. Hilding was Sales Manager of KSCO Radio, Santa Cruz, California, from June 15, 1987 until approximately December 28, 1987, when he assumed additional responsibilities as Sales Manager of KLRS-FM, Santa Cruz, CA. He resigned from both stations effective September 30, 1988, and continued on in less than a full-time position until November 22, 1988. The format at KSCO was oldies/MOR; KLRS was New Age/Jazz.

Eric R. Hilding hosted a regular weekend airshift on station KLOK-AM, San Jose, California, from approximately October, 1985, through July 4, 1986. He also did vacation and emergency relief. The format was adult contemporary.

Eric R. Hilding hosted a regular Saturday and Sunday afternoon airshift during the period of approximately March 30, 1985, through September 1, 1985, as well as occasional vacation and emergency replacement airshifts. The format at KBAY was beautiful music. He also broadcast critical major fire info.

Eric R. Hilding was Program Director at KIDD Radio in Monterey, California, from February, 1984 through August, 1984, including management responsibilities. He previously worked a regular weekend airshift from about November, 1983 through early February, 1984. The format at KIDD was adult contemporary.

Eric R. Hilding hosted a regular weekend airshift on KDON-FM Radio, Salinas, California during most of both September and October, 1983. The format @ KDON-FM was CHR/adult contemporary.

Eric R. Hilding assisted the new owners of KWSS (KFAT) Radio, Gilroy, California, during ownership transition by working a two week airshift until the regular new staff arrived. The format was an "odd" variety of music including country.

Eric R. Hilding hosted a two regular weekend airshifts at KNRV Radio, Monterey, California, from about September, 1982 through February or March, 1982. The format at KNRV was oldies, and included various public affairs programs.

Eric R. Hilding was employed as an Account Executive at KTFX Radio, Tulsa, Oklahoma, from November, 1979 through late March or early April of 1980. The format at KTFX was known as "Modern Country".

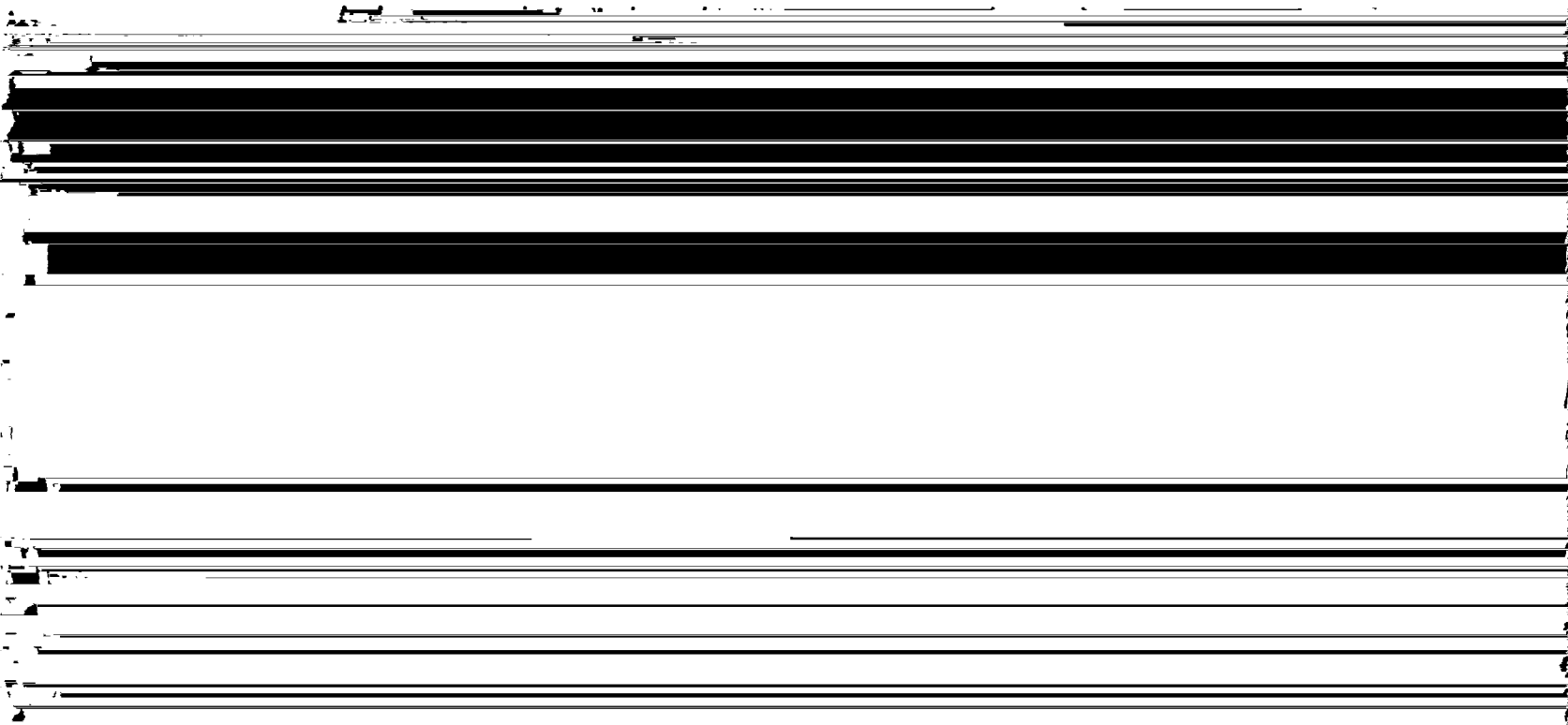
Eric R. Hilding claims enhancement credit for his various broadcast application engineering work before the Commission, to include his Petition For Reconsideration in MM Docket No. 86-144, which resulted in the revision of Commission rules to benefit Class A station owners and operators by now providing for the use of higher elevation antenna sites to better serve the public. FM Allocation Rules, 3 FCC Rcd 2477 (1988).

Eric R. Hilding claims a credit enhancement for "other media" experience, including television, print and advertising agency business and related broadcast talent experience.

Eric R. Hilding also claims an additional, and extremely long overdue, "accomodation" enhancement preference as partial compensation the Commission's failure to act responsibly on his "Petition For Rulemaking To Amend 1965 Policy On Comparative Broadcast Hearings" which has been in excessive "limbo" at the Commission since May, 1985. Arbitrary, Capricious and Abuse

of Agency Discretion at best describe the Commission's failures to take appropriate action. In 1987 the Commission acknowledged to the United States Court of Appeals for the Ninth Circuit, in Eric R. Hilding v. Federal Communications Commission, that said petition was still "pending", and inferred forthwith action. Now, almost five (5) more years have elapsed with no response from the Commission. Someone should be fired for such gross bureaucratic failures, which has caused applicant substantial emotional and physical hardship resulting from many unnecessary discriminations in broadcast application proceedings during the Commission's almost seven (7) period of inaction.


Eric R. Hilding finally seeks an additional "accomodation" enhancement preference for the Commission's past discriminatory actions of allowing both "minority" and "female" applicants to be "excused" from failing to comply with application processing requirements for which Hilding was forced to comply. The most classic, of course, was that of allowing a "Black" applicant to late file his Integration/Diversification statement, thereby



DECLARATION UNDER PENALTY OF PERJURY

Eric R. Hilding declares under penalty of perjury that the foregoing is true and correct to the best of his knowledge.

Date: November 30, 1992


Eric R. Hilding